



General Assembly

January Session, 2005

Raised Bill No. 1303

LCO No. 4464

* _____SB01303JUD____041305_____*

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE LIS PENDENS STATUTE AND THE
VALIDATION OF CERTAIN CONVEYANCES.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (d) of section 47-36aa of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2005*):

4 (d) Defect where fiduciary conveyed to self. Any recorded deed,
5 mortgage, lease, release, assignment or other instrument made for the
6 purpose of conveying, leasing, mortgaging or affecting any interest in
7 real property in this state, [recorded after January 1, 1997,] which
8 instrument is executed by a fiduciary, but which instrument is
9 voidable because the fiduciary is the grantee, mortgagee, leasee,
10 releasee or assignee designated in such instrument, is as valid as if it
11 had been executed without the defect unless an action is commenced
12 to avoid and set aside such instrument and a notice of lis pendens is
13 recorded in the land records of the town or towns where the
14 instrument is recorded within ten years from the date of recording of
15 such instrument.

16 Sec. 2. Subsection (c) of section 52-325 of the general statutes is
 17 repealed and the following is substituted in lieu thereof (*Effective*
 18 *October 1, 2005*):

19 (c) Notwithstanding the provisions of subsection (a) of this section,
 20 in any action except a suit to foreclose a mortgage or other lien, no
 21 recorded notice of lis pendens shall be valid or constitute constructive
 22 notice thereof unless the party recording such notice, not later than
 23 thirty days after such recording, serves a true and attested copy of the
 24 recorded notice of lis pendens upon the owner of record of the
 25 property affected thereby. The notice shall be served upon the owner,
 26 if [he] the owner resides in the same town in which the real property is
 27 located, by any proper officer or indifferent person, by leaving a true
 28 and attested copy of such recorded notice with [him] the owner or at
 29 [his] the owner's usual place of abode. If the property owner does not
 30 reside in such town, such copy may be served by any proper officer or
 31 indifferent person, by mailing such copy, by registered or certified
 32 mail, to the owner at the place where [he] the owner resides. If such
 33 copy is returned unclaimed, notice to such property owner shall be
 34 given by publication in accordance with the provisions of section 1-2. If
 35 the property owner is a nonresident individual [,] or foreign
 36 partnership, or [his or its] the executor or administrator of the
 37 nonresident individual or foreign partnership, the notice may be
 38 served upon the Secretary of the State as provided in subsection (c) of
 39 section 52-59b and if the property owner is a foreign corporation, the
 40 notice may be served as provided in section 33-519 or 33-929. When
 41 there are two or more property owners of record, a true and attested
 42 copy of such recorded notice shall be so served on each property
 43 owner. A certified copy of the recorded notice of lis pendens, with the
 44 return of the person who served it, endorsed thereon, shall be returned
 45 to the party who recorded [such] the notice who shall file a copy of the
 46 return with the clerk of the court in which the action is brought. The
 47 clerk shall include the copy in the record.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	47-36aa(d)
Sec. 2	<i>October 1, 2005</i>	52-325(c)

JUD *Joint Favorable*